

Exhibit H



7142 Trask Avenue
Playa del Rey, CA 90293
323-821-0586
www.oirgroup.com

By: Michael J. Gennaco

April 2019

Independent Review of the April 7, 2016 Officer-Involved Shooting of Luis Gongora Pat

I. Factual Summary

On April 7, 2016, Officer Michael Mellone, Sergeant Nathaniel Steger and Officer Esteban Perez responded to a 911 call from the City of San Francisco's Homeless Outreach Team about a man, later identified as Luis Gongora Pat, waving a large knife. Arriving at the location at about the same time, Officer Mellone and Sergeant Steger were directed to Mr. Gongora, who was sitting against a building and holding a knife.

According to Officer Mellone, he ordered Mr. Gongora to drop the knife, and he initially let go of it but then picked it back up. Officer Mellone then fired four rounds with an Extended Range Impact Weapon (ERIW) in an effort to separate Gongora from the knife. Instead, Gongora stood up, took a few steps and then ran toward Sergeant Steger with the knife in his hand. Sergeant Steger and Officer Mellone fired a total of seven gunshots while backing up, fatally wounding Mr. Gongora.

Sergeant Steger reported that he located Mr. Gongora at about the same time as Officer Mellone and observed the officer give repeated instructions to drop the knife. While Mr. Gongora briefly complied, he reacquired the knife and Mellone delivered two rounds with an ERIW. Mr. Gongora stood up and almost immediately ran towards Sergeant Steger. Sergeant Steger said he backed up but when Gongora halved the distance between the two of them, he fired his weapon. The first couple rounds had no apparent

effect on Mr. Gongora, so Sergeant Steger said he fired at Gongora's head and the man went down.

Officer Perez told investigators that he arrived on scene behind the other two officers when he observed Gongora with a knife and Officer Mellone firing ERIW rounds at him. Officer Perez said he shouted instructions to Gongora in Spanish to drop the knife. He said the firing of the ERIW rounds caused Gongora to stand up and begin to run toward Sergeant Steger with a knife. He observed the two officers fire but did not use deadly force himself because his fellow officers were in his line of fire.

The District Attorney determined that it could not meet the burden of showing beyond a reasonable doubt that the officers' belief that they needed to defend themselves was unreasonable, and that they were unjustified in shooting Mr. Gongora.

II. Relevant Policies

SFPD Use of Force General Order 5.01 at the time of the incident had the following provisions.

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary to situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

D. CATEGORIES OF FORCE TO EMPLOY (In ascending order of gravity)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion.

[...]

- f. Firearm

[...]

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

[...]

2. Before using force, the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

Department Bulletin 15-106:

Department Bulletin 13-120 requires officers to create time, distance and establish a rapport with people in crisis who are only a danger to themselves. Officers should consider creating time, distance, and establishing a rapport as an alternative to using force in every other circumstance; whenever it would be safe to do so. Critics of the referenced “stabilize mindset” claim this strategy is not only too lofty but is too risky for officers, I disagree and argue that conducting a thoughtful assessment of the situation is not asking an officer to create more risk. Assessing your options is the first step to ensuring that you are moving in the most tactically sound way you can in a given set of circumstances. When an officer is able to decrease his/her exposure to a threat by creating time and distance, the officer will need less force to overcome the decreased level of risk and thereby increase his/her level of safety. As long as this can be done with no increased risk to the officers and/or others, it may allow for a situation where nobody gets hurt – civilian, police officer, or suspect.

[...]

While the courts have consistently held that officers are never required to retreat from effecting a lawful arrest or detention, the strongest officers are those who consider all options – including creating time, distance, and

establishing rapport.

Department Bulletin 15-155, Response to Mental Health Calls with Armed Suspect

[...] Upon arrival at the scene, the supervisor shall assume command of the Incident.

If there is no reasonable cause to believe that the person suffering an apparent mental health crisis is a threat to any other person including an officer, the officers shall observe, maintain a safe distance, and attempt to stabilize the scene until the arrival of the supervisor who will assume command.

Under no circumstance shall officer jeopardize their own safety or that of any other person in attempting to interpret or apply this directive. The goal of this procedure is to allow for sufficient time to deescalate the situation when there is no reasonable cause to believe that a person, other than the person requiring mental health services, is in danger of death or serious bodily injury.

Department Bulletin 15-234, Extended Range Impact Weapon Guide Sheet

[...]

PRE-DEPLOYMENT PROCEDURES

- Ask the requesting supervisor for a response code
- Have communications broadcast on “an all” that an ERIW is enroute
- Have communications dispatch a 408 code 1 to stand by
- Upon arrival:
 - Obtain a quick briefing to determine if the ERIW is warranted
 - Formulate a plan with your Cover Officer and ground arrest teams

DEPLOYMENT PROCEDURES

- ERIW gunner shall always have a lethal cover alongside
- Point of aim is Zone 2 (waist and below). Zone 1 may be targeted if Zone 2 is unavailable or if you are delivering the CTS round from 60 feet.
- Verbal Challenge
 - “Red Light! Less Lethal! Less Lethal! Drop the weapon or I will shoot!”
- Assess after each shot.
- If subsequent rounds are needed, take aim at a different Zone 2 target area.

III. Analysis of Decision-Making of Officer Mellone

Officer Mellone told investigators that he arrived on scene at about the same time as Sergeant Steger and he assumed the primary role in dealing with Mr. Gongora. Officer

Mellone gave the initial commands to Gongora to drop the knife; Steger said that he did not give commands because Mellone was providing adequate directions to the subject.¹ Interestingly, Officer Mellone pulled the ERIW shotgun from its rack and took it with him as he initially responded to the call. While deciding to immediately bring the less lethal device to a “man with a knife” call has some rationale, having such a weapon at the ready may influence an officer’s decision to deploy it instead of fully considering other options.

Officer Mellone made much of Mr. Gongora’s initial compliance with his order to put the knife down and said that his reacquisition of the knife seconds thereafter formed the main reason for his use of the ERIW. Officer Mellone maintained that Mr. Gongora’s decision to reacquire the knife demonstrated defiance of his instructions and resulted in an increased threat level. However, Officer Mellone described Gongora as not fully engaging with the officers, acting erratically, potentially mentally disturbed and presumably under the influence of a chemical substance.²

The fact that Gongora reacquired the knife, without more, did not dramatically increase the level of threat presented to on scene officers.³ Instead, the fact that Mr. Gongora picked the knife back up after initially dropping it only returned the situation to the status Officer Mellone observed when he first came on scene: a man sitting down and holding a knife.

Officer Mellone intimated that because he closed the initial distance of 20-30 feet⁴ between himself and Gongora after he saw him drop the knife initially, he now found himself in a more vulnerable position. However, even if that had been the case, Officer

¹ Sergeant Steger said that after reviewing the video, it appeared that he did give commands when things became “fast” but had no independent recall of doing so.

² The toxicological reports from the autopsy detected a significant presence of methamphetamine in Mr. Gongora’s blood.

³ As described by Officer Perez, Gongora’s dropping of the knife and reacquisition did not require significant movement, given that he was sitting with his hands close to the ground.

⁴ According to an SFPD trainer of ERIW use, the optimal distance for deployment is 5-20 yards. In this case, while the initial distance was within this range, neither officer positioned themselves, consistent with training, so that an object (vehicle, garbage can, etc.) was between themselves and the subject.

Mellone still had the option of easily increasing distance between himself and Gongora after he reacquired the knife.⁵

Officer Mellone acknowledged that he did not formulate a plan with Sergeant Steger prior to deployment of the ERIW, and there was no articulation among on-scene officers to establish that the Sergeant would provide lethal cover while Mellone deployed the less lethal munition. In fact, Officer Mellone told Homicide investigators that he was not even aware whether Sergeant Steger had his firearm unholstered when he deployed the ERIW; nor did he know whether the Sergeant was ready to perform a cover function.⁶

It is true that Officer Mellone and Sergeant Steger had worked together, and they both asserted that they instinctively knew how to coordinate their response. Nonetheless, this does not excuse them from the Department's general expectation that officers formulate and verbalize plans when responding to tactical incidents. Nor did it exempt Officer Mellone of the express SFPD Training Bulletin requirement that, prior to deployment of the ERIW, officers conduct a "quick briefing" to determine the suitability of the option, and formulate a plan with the cover officer and arrest team. Neither was done nor apparently considered.⁷

Per SFPD's Training Bulletin directives, when handling an individual in apparent mental health crisis, officers are to maintain a stable scene when it is possible to do so until a supervisor is able to arrive on scene. In this case, Officer Mellone and Sergeant Steger arrived on scene almost simultaneously, but there is no indication that Officer Mellone relinquished command of the scene to Sergeant Steger.

Instead of conducting a briefing, formulating a plan, and considering other non-force options, Officer Mellone unilaterally decided to deploy the ERIW with no warning to Mr. Gongora.⁸ As detailed above, SFPD's Use of Policy in effect at the time of the

⁵In contrast to Officer Mellone, Sergeant Steger said that he did not believe that the officers closed distance after Mr. Gongora dropped the knife.

⁶In fact, by deploying the ERIW so quickly and without a plan, Officer Mellone forced Sergeant Steger in the role of cover officer and eliminated any ability of the Sergeant to provide supervisory oversight on scene.

⁷ Additionally, and as noted above, SFPD's ERIW Training Bulletin in effect at the time of the incident required officers to have Communications dispatch an ambulance to stand by prior to use. Officer Mellone did not make this notification prior to deployment of the less lethal munitions.

⁸ Importantly, warnings also provide critical information to on-scene officers that less lethal munitions are about to be deployed.

incident demanded that officers consider non-force options and tactical considerations including using principles of time and distance before deploying force when it is sufficiently safe to do so.⁹ If Officer Mellone had taken the time to consult with the Sergeant and engage Officer Perez in the plan, another strategy may well have emerged to mitigate the perception of threat and resulted in taking Mr. Gongora into custody without the use of any force. Additionally, Officer Perez may have been able to benefit from his Spanish language capability to gain compliance from Gongora.

Alternatively, the officers could have simply staged a safe distance from the seated, stationary subject and waited for more resources – such as an experienced crisis negotiator. As detailed above, the Department’s then-applicable Use of Force policy instructed officers that force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. By transitioning immediately to the ERIW, Officer Mellone forewent the opportunity to use or consider any alternatives to force.

As also set out above, SFPD’s Use of Force policy in effect at the time expressly instructed officers to ask themselves the following questions:

What actions on the part of the suspect justify the use of force?

Here, Officer Mellone encountered a man of slight build, sitting down against a wall, and holding a knife. While the call for service indicated that earlier the man had been observed “waving” a knife, the officers elected not to obtain further information about whether anyone had observed the man assault or threaten others with the weapon. As the officers approached, the man did nothing to verbalize aggression or to brandish the knife in a threatening way. During the encounter, the man dropped the knife and then picked it back up but did nothing else to increase the threat level presented. And Officer Mellone described the man as possibly mentally disturbed and under the influence, factors that could have explained his lack of compliance just as plausibly as an intent to harm someone.

What crime is being or has been committed?

“Waving a knife”, without more, consists at most of disorderly conduct. A refusal to comply with police instruction consists at most of a misdemeanor offense of obstructing an officer. No crime of violence had been reported or observed by officers when the determination was made to use force.

⁹ Officer Perez reported that “at first, I thought we were going to talk to him for a while or something...”

Does the situation require the immediate use of force?

While holding a knife in a public space presents a situation that needs to be addressed to keep the public safe, SFPD's force policy asks whether use of the ERIW was "required."

Because objective answers to these two questions suggest that use of force was not required and reasonable alternatives to force were available, as detailed above, Officer Mellone's immediate transition to the ERIW may have violated SFPD's Use of Force Policy.

Furthermore, Officer Mellone's deployment and the rationale behind it were not consistent with the design of the ERIW and its intended use. Mellone stated that his intent was to direct the bean bags to Gongora's upper arm in an attempt to dislodge the knife from his grip. However, the ERIW is not designed to deliver a bean bag with that level of precision. Moreover, according to an ERIW training officer interviewed by DPA, officers are not taught to deliver bean bags in the same area of the body as that may cause softening of the tissue and too much penetration. Accordingly, as set out above and in order to avoid lethal head injuries, SFPD's ERIW Training Bulletin instructs officers to aim for the waist down when deploying the less lethal munition.¹⁰ In this case, Gongora was seated with his legs fully exposed in front of him. In repeatedly aiming for Mr. Gongora's upper arm/shoulder area, Officer Mellone was clearly at odds with SFPD instruction when deploying the ERIW in this case.¹¹

Officer Mellone's deployment of the ERIW was also contrary to the Training Bulletin's directive that officers warn subjects of their intent to deploy less lethal munitions before doing so. Other than reacquiring the knife, there were no additional actions by Gongora prior to the use of the ERIW that would have precluded giving these warnings.

Moreover, as set out above, the Training Bulletin instructs officers to assess the situation after each ERIW round and, if further deployment is needed, to aim in a

¹⁰ The autopsy report catalogued numerous bruising to Mr. Gongora, including his left eyelid, his right upper mid back, his right mid lateral back, and his anterior right shoulder, and his lateral right upper arm. The autopsy did not expressly state whether any of the charted injuries were consistent with being struck by the deployed bean bags; nor did any of the initial investigations inquire into this issue.

Subsequently, the Chief Medical Examiner was interviewed by DPA and told investigators that the back and arm abrasions documented on the back and arm in the Examiner's report are consistent with those of a less lethal bean bag round.

¹¹ Officer Mellone indicated that he was not able to discern where or even if the bean bags struck Gongora.

different target area. Officer Mellone followed neither of these instructions. He did not pause and reassess between rounds, though doing so may well have indicated the need for another approach. If the first one or two rounds had not achieved its objective of separating the knife from the subject, it would have been tactically preferable to formulate another option rather than delivering the third and fourth round

In short, Officer Mellone deployed all four of his rounds in rapid succession, did nothing to assess their impact, and did not alter his target area. As a result, Mellone quickly ran out of bean bags, did not provide an opportunity for Mr. Gongora to accede between rounds, did not give himself time between rounds to issue further instructions, and was ultimately left holding a less lethal munition that was no longer of any tactical use.¹² Moreover, instead of having its intended effect of subduing the subject, the use of less lethal munitions apparently had the opposite effect of provoking or even enraging him.

After Gongora rose and advanced toward Sergeant Steger while still holding a knife, the officers' tactical options were limited by the unsuccessful reliance on the ERIW. Considering the circumstances at that moment in time, it was likely not "unreasonable" for Officer Mellone to use deadly force in fear for the life of Sergeant Steger.¹³ However, an argument could be advanced that Officer Mellone's tactical errors – contrary to SFPD's directives – precipitated the situation that "required" the use of deadly force and that there should be culpability and accountability for those lapses.

IV. Analysis of Decision-Making of Sergeant Steger

Sergeant Steger reported that when he initially arrived on scene, he was flagged down by a person who he assumed was the initiator of the 911 call; that person then assisted him by pointing to the subject's location. However, neither he nor any of the other arriving officers attempted to learn more from the informant about the reason for the call. It was clearly important to locate the subject. But once he had been observed sitting down and stationary, slowing down the interaction could have allowed Sergeant Steger to designate a responding officer to learn more about the subject's prior activity by talking to the Homeless Outreach Team member.

¹² Significantly, Officer Mellone also failed to inform Sergeant Steger that he had run out of less lethal munitions, contrary to expectations that on-scene officers will effectively communicate with each other. Sergeant Steger reported that he thought that Officer Mellone had only fired two bean bag rounds.

¹³ Officer Mellone stated that he was also in fear for the life of unidentified individuals on the street and behind the officers. The potential that individuals may be in harm's way of an armed subject is almost a given in any urban environment. Such a "fear" is too speculative to form an additional objective basis for the use of deadly force.

Even though Sergeant Steger arrived to confront Mr. Gongora at the scene at about the same time as Officer Mellone, he did nothing to assume command of the incident. As a supervisor, and especially after observing Officer Mellone equipped with an ERIW, he should have verbalized to Mellone that he was assuming command of the scene and begun to formulate and discuss a tactical plan.

If Sergeant Steger had taken command of the scene per SFPD expectations, he could have ensured that a more deliberate and thoughtful approach would have been deployed by responding officers.¹⁴ As a supervisor, it was his responsibility to instill concepts of “time and distance” at the scene as expressly set out in the Department’s Training Bulletin; in this case Sergeant Steger did or said nothing to advance these principles. Rather, he allowed Officer Mellone to improvise the Department’s response on his own as he transitioned from verbal commands to the use of the ERIW and then deadly force. As a result, Sergeant Steger’s lack of action contributed to the result and forewent another resolution that might have resolved the incident without the use of any force.

As set out above, the Department’s Use of Force General Order in effect at the time instructed officers that force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. As the supervisor on scene, Sergeant Steger did nothing to advance any on-scene discussion or analysis about the severity of the crime, whether the actions of Mr. Gongora required a resort to force, and whether the use of force was immediately necessary. By not ensuring that this principle was expressly considered and discussed, Sergeant Steger may have violated the Department’s Use of Force policy in not discussing and potentially countermanding Officer Mellone’s anticipated use of the ERIW.

This general “chain of command” principle universal to law enforcement is expressly required in SFPD’s policy when an ERIW’s use is contemplated. However, Sergeant Steger chose to remain silent, did not engage officers in the development of a plan, and did nothing to ensure that the requirements of the ERIW policy set out above in the Training Bulletin was discussed and followed. Sergeant Steger did not even verbally

¹⁴ Sergeant Steger asserted that because they had positioned themselves so close to the subject there was no time for formulating a plan. However, consistent with the Department’s Training Bulletin, Sergeant Steger could have moved back and ordered Officer Mellone to create more distance between officers and the subject, thereby affording the opportunity for them to devise a strategy.

designate himself as lethal cover for the use of the ERIW. Instead, Officer Mellone was left to “assume” that the Sergeant was providing that function.¹⁵

After Sergeant Steger declined to intercede to slow down Officer Mellone’s use of the ERIW, and Mr. Gongora arose and ran toward him, Sergeant Steger left himself with few options at that moment of time other than deadly force. To his credit, the Sergeant retreated a few steps, but Mr. Gongora closed the distance more quickly and an imminent threat was then presented. An argument can be made that the tactical negligence of the Sergeant and disregard for applicable SFPD policy and training bulletins was a precipitating factor in the subsequent use of deadly force. Had the Sergeant performed consistent with Department expectations of a field supervisor, the need to resort to deadly force could well have been avoided. Accordingly, a case can be made that Sergeant Steger should be held accountable for the supervisory lapses that impacted this tragic result.

III. Investigative Issues

A. Witness Canvass

Because of the location of the incident, there were numerous witnesses to be located and interviewed. To their credit, SFPD homicide detectives conducted an extensive witness canvass in this case.

However, as resources were being summoned to the location, one officer announced on the radio that there were several witnesses in a homeless encampment that needed to be questioned and “detained”. Witnesses cannot be detained without cause. Officers should be reminded of those rights of witnesses.

B. Timing of Interviews

To its credit, Homicide investigators endeavored to interview the involved officers on the date of the incident. However, according to Homicide detective notes, one issue that arose was whether the involved officers were going to be afforded the opportunity to review any video of the incident prior to being interviewed. As it turned out, the Homicide interviews of the involved officers were not conducted until the next day. It is unclear from the file whether the involved officers were able to review any video footage of the incident prior to being interviewed.

¹⁵ There is a question about whether, in fact, Sergeant Steger effectively provided lethal cover while the ERIW was being deployed. Sergeant Steger said that he had his gun out while less lethal was being deployed, however, Officer Mellone was unsure whether Sergeant Steger was performing that function and more concernedly, Officer Perez said that Sergeant Steger’s gun was still in his holster while the ERIW was being deployed.

Interviews of officer involved in a deadly force incident should occur prior to their end of shift. It is important for the investigation to obtain a version of the incident from the involved officers as soon as possible, and it is imperative that SFPD learn from those most knowledgeable about the incident so that investigative leads can be developed and pursued. If officers are permitted to leave duty status and return for the interview at a later date, it significantly increases the potential for conscious or unconscious contamination of the involved officers' state of mind by exposure to external stimuli. SFPD has protocols to remove involved officers from the scene and supervise them so that they are not exposed to outside influences. Once the officer is excused from duty, such segregation precautions are significantly undercut. Accordingly, best investigative practices teach that Department protocols should be devised to ensure that a Homicide interview of the involved officers occur prior to the end of shift.

C. Reviews of Video Footage

If a video account of the incident is available, involved officers should not be provided the opportunity to review such recordings prior to being interviewed. It is imperative that investigators obtain a pure uncontaminated statement of the officers' state of mind. Exposing officers to video evidence makes it impossible to discern whether any subsequent statement reflects only the officers' own observations or incorporates information captured by the video. For that reason, best investigative protocols require investigators to obtain a pure statement from involved officers free from outside contamination. After obtaining a detailed and pure account of the officers' observations and actions, the officers should be afforded the opportunity to review the video to learn whether exposure to such a recording refreshes or enhances their recollection.

D. Restatement of Homicide Questions and Answers During IA Interview

A good part of the Internal Affairs interviews of involved officers consisted of going over the questions and answers the officers provided during their Homicide interviews. The purpose of this process is unclear. Certainly, involved officers should have an opportunity to review their prior statement before being interviewed. But to go over the Homicide questions and answers during the Internal Affairs interview itself seems to be an awkward and unnecessary process.

IV. Systemic Issues

A. Training in Use of the ERIW

As detailed above, the use of the ERIW by the involved officers in this case was contrary to the Department's Training Bulletin in a number of important aspects. When officers' performance is so divergent from Department's expectations, it demands that an agency examine its training regimen and increase its training efforts to ensure that all officers

understand and implement those expectations. All officers who are equipped with an ERIW should be retrained consistent with the Department Bulletin governing its use. The training should emphasize that the Bulletin's directives are not advisory, must be followed, and that no "exigency" exception exists. Officers learn most effectively from mistakes that have been made. For that reason, this incident and the tactical mistakes that ensued should be adapted into any future training on the Department's less lethal munitions.

B. Hiring from Other Law Enforcement Agencies

One of the involved officers had prior law enforcement experience. During his employment with that other agency, he had been involved in the use of deadly force. Even though the information indicated that the prior shooting was found to be justified, officers with prior deadly force incidents carry significant additional litigative risk to any subsequent hiring agency. The mere fact that an officer may have been involved in a use of deadly force incident merits attention in determining whether to offer the individual lateral employment. SFPD should consider developing protocols to ensure that prior use of deadly force incidents by applicants are given weighty consideration during the hiring process, given the attendant risk that may entail from such a hire.

V. *Recommendations*

Recommendation One: Strong consideration should be given to the likelihood that Officer Mellone and Sergeant Steger violated SFPD's Use of Force Policy in effect at the time of the incident with regard to use of the ERIW.

Recommendation Two: There is strong evidence that Officer Mellone and Sergeant Steger violated SFPD's Training Bulletin regarding the use of the ERIW and should be held accountable for doing so.

Recommendation Three: The numerous violations of the ERIW Training Bulletin by Officer Mellone and Sergeant Steger indicate a pressing need for further training and guidance to all officers regarding SFPD's expectations for use of the munition. Most significantly, SFPD personnel must recognize that "exigency" does not override the necessary steps set out in the Bulletin before the ERIW can be deployed.

Recommendation Four: SFPD should consider specifically exporting the tactical mistakes made in this incident into any future ERIW training paradigm.

Recommendation Five: SFPD should develop written protocols that ensure that officers involved in a deadly force incident are interviewed prior to the end of their shift absent extreme circumstances such as injury to the officer.

Recommendation Six: SFPD should develop written protocols that ensure that pure and complete statements are obtained from officers prior to exposing them to video accounts of the incident.

Recommendation Seven: IA investigators should refrain from stating the questions and answers provided during the homicide interview.

Recommendation Eight: When less lethal or other force is used prior to the use of deadly force, the medical examiner should be asked whether injuries consistent with the other use of force are evident from the autopsy.

Recommendation Nine: SFPD should develop protocols ensuring that any use of deadly force by applicants is carefully scrutinized, with attention to the litigative risk any such hire might cause the City.